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**SCIENCE AND TECHNOLOGY FOR WOMEN AND CHILDREN:
SERVING JUSTICE TO THE MOST SUSCEPTIBLE VICTIMS**- Priyanshi Agarwal ¹**ABSTRACT**

The current article talks about a little discussed yet fundamentally important part of legal technological transformation. The government of India, since late 1980s focused on digitalizing the nation. Most recent push to this process of digitalization is the digital India scheme. This article analyses how justice could be delivered to the most vulnerable section by the help of technology. It highlights various schemes and steps of the government that have been implemented via technology for ensuring accessibility to justice to the vulnerable section of the society. Amongst the most vulnerable section of society are women and children. Both of them are, in the present time, dependent on the other sections of society. They are denied access to justice, and their human rights are violated on a continuous basis. This article focuses on how technology can be used to remove the obstacles to justice for these sections.

Key Words: Science, Technology, Women, Children, UNDP

INTRODUCTION

Dr. Ambedkar once said that *“I measure the progress of a community by the degree of progress which women have achieved.”* It is necessary for any nation to reach its most significant strengths to give equal rights, opportunities, and protection to all its citizens. Members of the constituent assembly knew this and came up with the concept of social justice. The guarantee of social justice to all its citizens is first seen in the preamble and then in the various provisions of the constitutions.

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This paper dives into the methods of how science and technology are saving women and children. The paper first talks about the concept of social justice and the concepts of the Indian constitution. It then talks about what access to justice means. How does it matter, and why should we be affected by it? Then the paper talks about the current obstacles to access to justice in our country. In the end, the article goes on to discuss the existing schemes of the government and the ways by which they can help in getting justice for every woman and child.

ACCESS TO JUSTICE

The sustainable development goals designed by the United Nations, also known as the UNSD goals, are a collection of 17 interlinked goals. Their importance or aim is to act as a “blueprint to achieve a better and more sustainable future for all.”² On the list, the 16th number talks about focusing on peace, justice, and strong institutions. Point 16, when studied further talks about providing access to justice for all.

One may define access to justice as the ability of the people to seek and obtain justice regarding the problems affecting them. Access to justice not only focuses on the outcome of the process. Having access to justice isn't just limited to not having a system that allows the public to file a new case, to having entry to the court that helps even the physically challenged people to enter. Access to justice is about solving different aspects of the problems that may stop people from achieving justice. The accessibility to justice is not just limited to the end of the process, i.e., one person getting justice. It is the process of getting each and every aggrieved person an opportunity to get to the court and try to get what is theirs.

SOCIAL JUSTICE

The preamble of the constitution of India is the preface to the vision of the founding fathers. Earlier, it was contested that preamble was not a part of the constitution, but it became settled law in 1960³. The term social justice is found in the lines of the constitution for the first time. But what is social justice that the preamble secures for all its citizens? Social justice may be

²The UN Sustainable Development Goals – UN Environment Management Group' (Unemg.org, 2022) <<https://unemg.org/our-work/supporting-the-sdgs/the-un-sustainable-development-goals/#:~:text=The%20Sustainable%20Development%20Goals,more%20sustainable%20future%20for%20all>>[accessed 14 September 2022].

³ In Re: The Berubari Union case, AIR 1960 SC 845

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defined as the fair and equitable division of resources. Along with this, the privileges in India should be divided in an equitable manner.

The constitution's view of social justice is found in Article 14 of the Indian constitution. That article talks about equality of law and equal protection of the law. Both of these terms may sound similar but have a vast difference. Equality of law means that everyone is equal in the eyes of the law. Meanwhile, equal protection of the law means that the equal should be treated equally before the law. Treating unequal as equal also would lead to injustice.

Access to justice is also one of the features of social justice. When women are denied access to justice, they are treated unequally before the law. This amounts to a violation of article 14 and their fundamental rights. Similarly, it would be true for children and other vulnerable sections of Indian society.

If social justice is one of the aims of the constitution, then it is the duty of the elected government to take care that the nation moves towards social justice. This also means that if the government fails to fulfill its duty, the citizen has the right to go to the Supreme Court. It would be wrong to say that this has not been done before. Constant legislation taken over by women advocates has led to the changes that have happened in society. One of the most prominent examples of this is the enactment of the Prevention of Sexual Harassment at Workplace⁴. Access to justice is one of the facets of ensuring social justice, i.e., one of the facets of ensuring that the aim of the founding father is achieved.

WHAT ARE THE OBSTACLES?

Whenever anybody feels they have suffered a legal wrong, they must file a complaint. This is done by filing a complaint with the police station. Even getting your FIR or complaint getting registered becomes an obstacle. As per some reports, nearly 99% of cases of rape go unreported⁵. This shows that getting a case register is a big challenge. Callous behavior of police, societal pressure, and no support from family are the primary reasons why women and children find it

⁴Jayakumar, K., 2020. POSH Law in India: A History. [Blog] The Gender Security Project, Available at: <<https://www.gendersecurityproject.com/post/posh-law-in-india-a-history>> [Accessed 14 September 2022].

⁵Pramit Bhattacharya, T., 2022. 99% cases of sexual assaults go unreported, govt data shows. [online] mint. Available at: <<https://www.livemint.com/Politics/AV3sIKoEBAGZozALMX8THK/99-cases-of-sexual-assaults-go-unreported-govt-data-shows.html>> [Accessed 14 September 2022].

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difficult to get their cases registered. Even though different State Legal Service Authority provides legal aid to needy people, we still face the problem of quality legal aid. The current Chief Justice of India once said, “*Free legal aid does not mean poor legal aid, free legal aid must mean quality service*”.⁶

Women in India have been denied financial independence, which denies them access to any lawyer or legal support. Even if they pursue any action, they don't have a cushion for support. Minors are amongst the most vulnerable group. Even when we make the judiciary more dependent on technology, we forget that the nation still doesn't have access to technology. Till 2020, India had only 34% of people using the internet. This 34% of people mainly belong to the wealthy upper cream of the Indian population.⁷ Indian society is highly unequal.⁸ Hence, money and accessibility to quality lawyers still are big problems. One of the issues women face in rural areas is that the phone that is their only touch with technology is accessible to men only. A lot of households in India do not have more than one phone. Having one phone becomes a problem in the case when the aggressor/assaulter is the owner of that phone. Calling or using the phone for their safety becomes very much risky as there is very less chance that the complaint or the legal aid advice will not be discreet. Another issue is the lack of sensitivity in the current judicial system. Indian judiciary has seen constant absurd and misogynist comments from the judges. Conditions were so bad that the Supreme Court of India had to ask the judges not to make such comments.⁹

VARIOUS INITIATIVES

⁶LIVELAW NETWORK, 'Free Legal Aid Doesn't Mean Poor Legal Aid, Must Mean Quality Service : Justice UU Lalit' (Livelaw.in, 2022) <<https://www.livelaw.in/top-stories/free-legal-aid-doesnt-mean-poor-legal-aid-must-mean-quality-service-justice-uu-lalit-195096>>[accessed 14 September 2022].

⁷Connectivity Gets Better But Parts Of India Still Logged Out' (Hindustan Times, 2022) <<https://www.hindustantimes.com/india-news/connectivity-gets-better-but-parts-of-india-still-logged-out/story-VSqXriMdGUudWb7eBcWzjN.html>>[accessed 14 September 2022].

⁸India: Extreme Inequality In Numbers | Oxfam International' (Oxfam International, 2022) <<https://www.oxfam.org/en/india-extreme-inequality-numbers#:~:text=The%20top%2010%25%20of%20the,1%25%20increase%20in%20their%20wealth>>[accessed 14 September 2022].

⁹India News, 'Supreme Court: Judges Should Avoid Misogynistic Comments In Gender Violence Cases | India News - Times Of India' (The Times of India, 2022) <<https://timesofindia.indiatimes.com/india/shed-misogynistic-patriarchal-approach-decide-gender-violence-cases-on-evidence-supreme-court-to-judges/articleshow/81573274.cms>>[accessed 14 September 2022].

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There are two different sets of authorities that are working toward making justice and the judicial system more accessible to women. Though attempts have been made since independence to make justice more accessible to every last person, in the past few years, the government has shifted its approach toward technology. The Department of Justice (DoJ) has launched a program for achieving the objective of making justice more accessible. The DoJ has named the scheme “*Designing Innovative Solutions for Holistic Access to Justice*,” or DISHA. DISHA aims to provide the nation with a comprehensive, holistic solution for access to justice. The scheme was officially launched in 2022¹⁰. The scheme aims to improve pre-litigation advice and consultation. It provides a framework for pro bono legal services and faster disposal of older cases. The government focuses on using the technology and development of the IEC (information, education, and communication).

This scheme is being implemented by the use of technology. The Department of Justice joined hands with the Ministry of Electronics and IT (MeitY) to use the Common Services Centre program for making the Tele-Law. **Tele-Law**¹¹ was officially launched in 2017 to address every case at the pre-litigation stage. But it was in 2022 that the government announced it to be inculcated to the DISHA scheme when it reached 4 million beneficiaries. One of the main features of Tele-law is to establish a connection between lawyers to litigants. It aims to reach out to marginalized and disadvantaged communities and connect them with lawyers so that they can solve their issues. Any woman can use the app to register themselves on the app. Now they have two options for proceeding. They can either book a consultation via the mobile app or visit a common service center. Once an appointment is booked, they receive a message on their registered number. This number helps in tracking their issue and appointment. Again, the woman can use their mobile phone to talk to the lawyer or use the services of the legal adviser/lawyer. These lawyers that are used for the said purpose are rendered by the government panel. The tele-law helps advise the people even in the area where the quality of legal help available is not good. The lawyers available are hired or stationed by the State legal services authorities (SALSA) and the Common Service Centers. In the current times, Tele-law services are serving all over the

¹⁰Affordable Judicial Process For Weaker Sections' (Pib.gov.in, 2022) <<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1848738>>[accessed 14 September 2022].

¹¹Overview Of Tele-Law | Tele-Law' (Tele-law.in, 2022) <<https://www.tele-law.in/overview-of-tele-law.html>>[accessed 14 September 2022].

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nation with the help of over 75,000 CSCs. One more benefit of the service is that government focuses on hiring women para-legal volunteers. This helps in breaking the ice and making the aggrieved women comfortable.

The government is also focusing on **Legal Literacy & Legal Awareness**. Legal literacy and legal awareness remove the biggest hindrance to access to justice. Not getting a quality lawyer or obstacles in the way to the judicial system can be removed by educating people if the citizens are given quality legal education and time-to-time awareness with regards to different schemes of the government and their rights. Legal awareness is not just limited to what the government is doing. Legal awareness is about making people self-sufficient to fight their battles. It improves the ability of the weakest link of the nation to stand and fight for themselves. The scheme was upgraded at Pan India Level after the introduction of the DISHA scheme. The government envisages a multi-stakeholder, progressive and transformative approach via this program. They have integrated innovative ideas, tools, and simplified methodology to enable vulnerable sections. The main components of the scheme can be summed as follows:

- i. Using technology to expand the scope and delivery
- ii. Mainstreaming legal literacy
- iii. Developing grassroots volunteers

Meanwhile, these initiatives of the government are focused on making quality legal help to every corner of the nation; there are other important steps that are ensuring justice for women.

The government introduced an **SOS number 112**, which helps people in contacting the authorities in a short time. Various state police have set up speedy help lines, which are just one call away. For example, the Maharashtra police initiated a *Nirbhaya Squad*¹², whose main aim is to work for women's safety. A speedy helpline desk has been set up by the police for the said state to address issues related to women's safety. Distress calls are directly transferred to these squads, with patrol cars always on the ground. This helps the police in reaching the incident place on time. The Nirbhaya Squad is filled with all-women police officers.

¹²The Quint, 'Mumbai Police Introduces 'Nirbhaya Squads' To Prevent Crimes Against Women' (TheQuint, 2022) <<https://www.thequint.com/neon/gender/mumbai-police-nirbhaya-squad-crimes-prevent-aganist-women-children-patrol-key-areas-of-crime-schools-colleges-pocso>>[accessed 14 September 2022].

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The government of India has also started a child line; that is a 24-hour helpline where one can report any issue related to children. Another important initiative of the Indian government is the *Universalisation of Women Helpline Scheme*¹³. This scheme aims at providing a 24-hour immediate and emergency response for women. Along with this helpline, it also focuses on the implementation and formation of the One Stop Centre. Women's helpline and the OSCs are planned to be integrated. The government then aims to work with State Legal Aid services to provide them with legal support.

CONCLUSION

A highly unequal society leads to inaccessibility to the most basic needs of the people. But whose inaccessibility is stopped by this? It is often the vulnerable member of society. In India, this group is of women and children amongst the other. They have been constantly denied their rights and treated as the second gender. The laws were made in such a way that would lead to the exploitation of women. But slowly, this has changed. A constant battle that the women's rights advocates fought even before the formation of sovereign India. This continuous struggle ensured that they got their dues. But without access to justice, their rights were always exploited. A game changer in the removal of the obstacles to justice is technology. One of the biggest gifts of technology is that it bridges the gap between place and time. This has helped quality legal advice reach every nook and corner of the nation. However, one cannot forget that the internet is also a privilege in India. A large section of our country is devoid of the internet. This privilege can only be removed by the efforts of the government. Establishing the Common Service Center and One Stop center is the key to this. For serving justice via the internet, they use government-established centers where people can come in contact with legal aid. Similarly, a phone call is a substitute for the internet in the case of 24-hour help lines. The recent price war amongst telecom companies has also helped achieve these aims.

The government's aim of reducing the barriers to justice for women and children has constantly changed the situation in India. It is a positive change that we all should contribute to. Legal aid is one of the fundamental rights of the citizens of the nation. And it's quality legal aid that must be ensured for women and children. Technology is the means to a noble end.

¹³UNIVERSALISATION OF WOMEN HELPLINE SCHEME (Government of India 2022).

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